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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Klaus Ducker

Examiner: Robert B. Mondesi

Serial No.: 10/089,688

Group Art Unit: 1653

Filed: April 3, 2004

Title: SPLICE VARIANT OF HEAD TRAUMA INDUCED CYTOPLASMATIC
CALCIUM BINDING PROTEIN

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

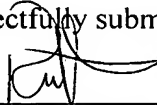
Sir:

In response to the Restriction Requirement dated September 10, 2004, Applicants hereby elect with traverse Group 1, Claims 1-4 drawn to an isolated polypeptide comprising the amino acid sequence represented by SEQ ID NO:2.

All the claims in the application involve related subject matter, e.g., a neuronal calcium binding protein. A search would therefore comprise overlapping subject matter, and it would not be an undue burden on the examiner to carry out a search. "If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) M.P.E.P. 803. Accordingly, withdrawal of the restriction is respectfully requested.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: MERCK-2402
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